

Application No. 09/994465 (Docket: DT.0103-CP1)
37 CFR 1.111 Amendment dated 03/04/2006
Reply to Office Action of 12/05/2005

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to Figures 1-44. These sheets, which include Figures 1-44, replaces the original sheets including Figures 1-44. All of the figures have been redrawn to overcome the objections noted by the Examiner.

Attachment: Replacement Sheets

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REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-32 are pending in the application. The Examiner additionally stated that claims 1-32 are rejected. By this amendment, claims 4, 8-10, and 27 have been cancelled and claims 1, 5-7, 11-20, and 28 have been amended. Hence, claims 1-3, 5-7, 11-26, and 28-32 are pending in the application.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

In the Drawings

The Examiner noted that the drawings filed on 11/26/2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948, and furthermore noted that in order to avoid abandonment of this application, correction is required in reply to the Office action. The Examiner stated that the correction will not be held in abeyance.

All of the figures have been redrawn to overcome the objections noted by the Examiner. It is therefore requested that the objections to the drawings be withdrawn.

In the Specification

The Examiner objected to the specification because of the following informalities: in paragraph 8, page 6, of the disclosure, the word "that" is assume to have been "than". Appropriate correction was required. By this amendment, the noted informality has been corrected. Accordingly, it is requested that the objection to the specification be withdrawn. In addition, Applicant has amended the specification to secure a substantial correspondence between the claims amended herein and the remainder of the specification. No new matter is presented.

In the Claims

Rejections Under 35 U.S.C. §112

The Examiner rejected claims 9, 10, 19, 27, and 28 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As per claim 9, it was noted that

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the recitation of the word "normally" is vague and indefinite. The Examiner stated that it is unclear to the Office whether the products are substitute or complementary products. Appropriate correction was required in the indicated claims and any subsequent recitations of the word.

By this communication, claim 9 has been cancelled, thereby rendering the rejections moot. The limitations of claims 9, however, have been incorporated into the language of claim 1. Applicant notes that the clause "wherein said highly correlated products are normally substitute products, but may also be complementary products," has been removed from the language. The term "highly correlated products" is defined in the specification, in one embodiment, to mean "normally substitute products, but may also be complementary products," and therefore it is unnecessary to recite such a clause in the claim language. Consequently, it is requested that the rejection of claim 9 be withdrawn.

As per claims 10 and 27, the Examiner noted that the recitation of the word "may" is vague and indefinite, and that it is unclear to the Office if the product does or does not span more than one of said plurality of demand groups. Appropriate correction was required in the indicated claims and any subsequent recitations of the word.

By this amendment, claims 10 and 27 has been cancelled, thereby rendering the rejections moot. The limitations of claims 10 and 27, however, have been incorporated into the language of claims 1 and 20, respectively. Applicant notes that the term "may" has been removed from the recitations. Consequently, it is requested that the rejections of claims 10 and 27 be withdrawn.

As per Claim 19, it was note that the recitation of the word "volume" is vague and indefinite and that it is unclear to the Office what type of volume Applicant is attempting to claim. Herein, claim 19 is amended to recite "sales volume." Applicant therefore requests that the Examiner withdraw the rejection of claim 19.

The Examiner furthermore noted that claim 28 recites the limitation "employing" and that there is insufficient antecedent basis for this limitation in the claim. By this amendment, the limitation "employing" has been replaced with "optimizing." Accordingly, it is requested that the rejection of claim 28 be withdrawn.

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Double Patenting Rejections

The Examiner issued rejections of claims 1-15, 18-28, and 30-32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-10, and 20-29 of U.S. Patent No. 6,553,352 (Docket: DT.0103) in view of Kalyan et al., U.S. Patent No. 6,826,538 (hereinafter, "Kalyan").

By this amendment, claims 4, 8-10, and 27 have been cancelled, thereby rendering the Examiner's rejections moot.

With regard to the rejections of claims 1-3, 5-14, 18-26, 28, and 30-32, Applicant respectfully disagrees with the Examiner's characterization in the office action of the teachings of U.S. Patent 6,553,352 and of Kalyan. The teachings of Kalyan will be argued hereinbelow with reference to the rejections of claims under 35 U.S.C. 102 and 103. However, since both the instant application and U.S. Patent No. 6,553,352 are commonly owned, a terminal disclaimer to obviate a provisional double patenting rejection over a prior patent is provided. The terminal disclaimer disclaims, except as provided therein, the terminal part of the statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Accordingly, Applicant respectfully requests that the examiner withdraw the rejections of claims 1-3, 5-14, 18-26, 28, and 30-32.

The Examiner furthermore provisionally rejected claims 1-32 are under 35 U.S.C. 101 as claiming the same invention as that of claims 1-31 and 50-62 of copending Applications No. 09/999078 (Docket: DT.0106) and 09/999079 (Docket: DT.0105). The Examiner noted that the rejections are provisional double patenting rejections since the conflicting claims have not in fact been patented.

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Applicant appreciates the Examiner pointing out the potential for double patenting rejections with reference to claims 1-32. In addition, it is noted that the copending applications are commonly owned, and, should a double patenting issue become ripe, Applicant will make every effort to further prosecution of this application through the Office.

Rejections Under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 20, and 30 under 35 U.S.C. 102(b) as being anticipated by Kalyan. Applicant respectfully traverses the Examiner's rejections.

With reference to claim 1, the Examiner stated that Kalyan et al, discloses a method wherein an interface enabling a user to determine optimum prices of products for sale, comprising:

a scenario/results processor, configured to enable a user to prescribe an optimization scenario, and configured to present the optimum prices to said user, wherein the optimum prices are determined by execution of said optimization scenario, and wherein said optimum prices are determined based upon estimated product demand and calculated activity based costs, said scenario/results processor comprising (Col. 2, lines 46-67; Col. 3, lines 1-3; Col. 7, lines 53-63):

- an input/output processor, configured to acquire data corresponding to said optimization scenario from said user, and configured to distribute optimization results to said user (Col. 2, lines 56-59; Col. 3, lines 32-38; Col. 7, lines 53-63, also see Figure 3); and
- a scenario controller, coupled to said input/output processor, configured to control acquisition of said data and distribution of said optimization results in accordance with a price optimization procedure, wherein said price optimization procedure is configured to relax constraints of lower priority conflicting rules to render said optimization scenario feasible (Col. 2, lines 56-59; Col. 4, lines 36-47; Col. 19, lines 10-27; Col. 20, lines 1-8).

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Regarding claim 20, the Examiner noted that Kalyan et al. discloses a method for providing an interface to an apparatus for optimizing the prices of products for sale, comprising:

utilizing a computer-based scenario/results processor within an optimization server to present a sequence of data entry templates to a user, whereby the user specifies an optimization scenario, the optimization server optimizing the prices according to modeled market demand chain costs for the products; said utilizing comprising (Col. 2, lines 46-67; Col. 3, lines 1-3,32-38; Col. 7, lines 53-63):

- selectively limiting the number of prices that are optimized (Col. 3, lines 12- 13); and
- generating a plurality of optimization results templates and providing these templates to the user, wherein the optimum prices are presented (Col. 2, lines 56-59; Col. 7, lines 60-63).

Regarding claim 30, the Examiner stated that Kalyan et al. discloses a method wherein said utilizing comprises:

- providing a strategy template, for specifying a merchandising performance figure of merit, and for prescribing limits for changes in sales volume (Col. 3, lines 12; Col. 4, lines 14-17).

Claims 1 and 20, as amended herein, are repeated below for ease of reference.

1. An interface enabling a user to determine optimum prices of products for sale, comprising:

a scenario/results processor, configured to enable a user to prescribe an optimization scenario, and configured to present the optimum prices to said user, wherein the optimum prices are determined by execution of said optimization scenario, and wherein said optimum prices are determined based upon estimated product demand and calculated activity based costs, said scenario/results processor comprising:

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an input/output processor, configured to acquire data corresponding to said optimization scenario from said user, and configured to distribute optimization results to said user wherein said input/output processor comprises:

a template controller, configured to provide first price optimization templates and second price optimization templates, wherein said first price optimization templates are presented to said user to allow for prescription of said optimization scenario, and for distribution of said optimization results, and wherein said first price optimization templates comprise:

a plurality of new scenario templates, configured to enable said user to prescribe scenario parameters corresponding to said optimization scenario, wherein said plurality of new scenario templates comprises:

a category template, for specifying a product category for price optimization, said product category comprising:

a plurality of demand groups, each of said plurality of demand groups configured to categorize a set of highly correlated products; and

a products template, for specifying the products for sale, wherein the products for sale span more than one of said plurality of demand groups; and

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a command interpreter; configured to extract commands from said first price optimization templates executed by said user, and configured to populate said second price optimization templates according to result data provided for presentation to said user; and

a scenario controller, coupled to said input/output processor, configured to control acquisition of said data and distribution of said optimization results in accordance with a price optimization procedure, wherein said price optimization procedure is configured to relax constraints of lower priority conflicting rules to render said optimization scenario feasible.

20. A method for providing an interface to an apparatus for optimizing the prices of products for sale, comprising:

utilizing a computer-based scenario/results processor within an optimization server to present a sequence of data entry templates to a user, whereby the user specifies an optimization scenario, the optimization server optimizing the prices according to modeled market demand for the products and calculated demand chain costs for the products; said utilizing comprising:

first providing a category template, for specifying a product category for price optimization, wherein the product category comprises a plurality of demand groups;

second providing a products template, for specifying the products for sale for which the optimum prices are to be determined, wherein the products for sale span more than one of the plurality of demand groups;

third providing a time horizon template, for prescribing a time period for which the optimum prices are to be determined;

selectively limiting the number of prices that are optimized; and

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generating a plurality of optimization results templates and providing these templates to the user, wherein the optimum prices are presented.

In combination, claim 1 recites an interface enabling a user to determine optimum prices of products for sale. The interface has a scenario/results processor to enable a user to prescribe an optimization scenario, and configured to present the optimum prices. The optimum prices are determined by execution of the optimization scenario, and in particular, the optimum prices are determined based upon estimated on both product demand and calculated activity based costs. In addition, the scenario/results processor has an input/output processor for acquiring data, and for distributing optimization results. The input/output processor includes a template controller that is configured to provide first and second price optimization templates. The first price optimization templates are presented to the user for prescription of the optimization scenario and for distribution of said optimization results. The first price optimization templates include a number of new scenario templates, including a category template, for specifying a product category for price optimization. The product category includes a plurality of demand groups, each of which categorizes a set of highly correlated products. The new scenario templates also include products template, for specifying the products for sale, where the products for sale span more than one of the plurality of demand groups. The input/output processor also has a command interpreter that extracts commands from the first price optimization templates, and populates the second price optimization templates according to result data provided for presentation to the user. The scenario/results processor also has a scenario controller that is coupled to the input/output processor. The scenario controller controls acquisition of the data and distribution of the optimization results in accordance with a price optimization procedure, wherein the price optimization procedure is configured to relax constraints of lower priority conflicting rules to render said optimization scenario feasible.

In a method having limitations substantially similar to those recited in claim 1, claim 20 recites providing an interface to an apparatus for optimizing the prices of products for sale. The method includes utilizing a computer-based scenario/results processor within

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an optimization server to present a sequence of data entry templates to a user, whereby the user specifies an optimization scenario, the optimization server optimizing the prices according to modeled market demand for the products and calculated demand chain costs for the products. The utilizing includes first providing a category template, for specifying a product category for price optimization, where the product category includes a plurality of demand groups; second providing a products template, for specifying the products for sale for which the optimum prices are to be determined, where the products for sale span more than one of the plurality of demand groups; third providing a time horizon template, for prescribing a time period for which the optimum prices are to be determined; selectively limiting the number of prices that are optimized; and generating a plurality of optimization results templates and providing these templates to the user, where the optimum prices are presented.

Applicant respectfully disagrees with the Examiner's rejections of claims 1 and 20 for the following reasons. First, Kalyan does not disclose a method wherein an interface enabling a user to determine optimum prices of products for sale. Rather, Kalyan teaches a method of calculating supplies of key components based on enhancing revenues in a made to order scheme. The inventor states that products are designed by identifying product components and combining the components in various combinations and that key component supplies are calculated using an algorithm that considers demand probability of component as product as well as calculating the marginal value of each component (Abstract). Applicant is unable to find any notations in Kalyan that teach an interface enabling a user to determine optimum prices of products for sale.

Secondly, the Examiner notes that Kalyan discloses a scenario/results processor, configured to enable a user to prescribe an optimization scenario, and configured to present the optimum prices to said user, wherein the optimum prices are determined by execution of said optimization scenario, and wherein said optimum prices are determined based upon estimated product demand and calculated activity based costs. Kalyan certainly utilizes a processor, but the ensuing optimizations does not take into account calculated activity based costs, nor do the outputs include optimum prices. Rather,

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Kalyan teaches that his outputs are marginal and smoothed values for each critical component (col. 2, line 45 - col. 3, line 3; col. 7, lines 54-63).

Thirdly, Applicant is unable to find any reference in Kalyan regarding the prioritization of optimization rules or where a price optimization procedure is configured to relax constraints of lower priority conflicting rules to render the optimization scenario feasible.

In addition, claim 1 recites that the optimization is performed across more than one of a plurality of demand groups in a product category. Kalyan is absolutely silent on this aspect of an optimization.

For the above noted reasons, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

With respect to claim 20, the limitations specified therein are substantially the same in effect as those of claim 1, which have been argued above as being allowable over Kalyan. Consequently, Applicant requests withdrawal of the rejection of claim 20.

With respect to claim 30, this claim depends from claim 20 and adds further limitations that are neither anticipated nor made obvious by Kalyan. Accordingly, Applicant respectfully requests that the Examiner withdraw his rejection of claim 30.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 2-8, 16-19, 21-26, and 31-32 under 35 U.S.C. 103(a) as being unpatentable over Kalyan, in view of Ouimet et al., U.S. Patent 6,308,162. Applicant respectfully traverses the Examiner's rejections.

By this amendment, claims 4 and 8 have been cancelled, thereby rendering the Examiner's rejections moot.

With respect to claims 1 and 20, Applicant has effectively argued above that Kalyan does not teach, suggest, or even hint at providing at least four of the limitations cited in the independent claims. Consequently, since claims 2-7 and 16-19 depend from claim 1 and add further limitations, it is respectfully requested that the Examiner withdraw his rejections. Likewise, since claims 21-26 and 31-32 depend from claim 20 and add further

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limitations, Applicant requests that the rejections of claims 21-26 and 31-32 be withdrawn.

The Examiner also relies upon Kalyan to teach essential elements of the claimed invention in rejection of claims 9-15 and 27-29. Applicant has argued over Kalyan above and since claims 11-15 and 28-29 depend from claims 1 and 20, respectively, and add further limitations, Applicant requests that the rejections of claims 11-15 and 28-29 be withdrawn.

The rejections of claims 9-10 and 27 are moot in view of cancellation of the claims herein.

CONCLUSIONS

In view of the arguments advance above, Applicant respectfully submits that claims 1-3, 5-7, 11-26, and 28-32 are in condition for allowance. Reconsideration of the rejections is requested, and allowance of the claims is solicited.

Applicant earnestly requests that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date of signature shown below.

Respectfully submitted,
HUFFMAN PATENT GROUP, LLC

/ Richard K. Huffman /

By: _____

RICHARD K. HUFFMAN, P.E.
Registration No. 41,082
Tel: (719) 575-9998

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Date: _____